

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSE TRINIDAD MARTINEZ
SANTOYO,
Defendant.

No. 2:22-cr-00141-TLN-KJN

ORDER

This matter is before the Court on the Government's November 4, 2022, motion to stay the Court's order granting Jose Trinidad Martinez Santoyo ("Mr. Martinez Santoyo") bail pending extradition proceedings.¹ (ECF No. 38.) The instant Order follows the Court's November 4, 2022, minute order denying the Government's motion. (ECF No. 39.) For the reasons set forth below, the Government's motion for a stay of this Court's order granting bail is DENIED.

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¹ For purposes of this Order, the Court will cite any documents from *United States v. Jose Trinidad Martinez Santoyo*, 21-mj-125-KJN, that do not appear on the docket 22-cr-00141-TLN, in the following format: "MJ ECF No."

1 **I. FACTUAL AND PROCEDURAL BACKGROUND²**

2 On November 2, 2022, the Court reversed the magistrate judge's denial of bail, granted
3 Mr. Martinez Santoyo bail pending his extradition proceeding, and referred the matter to the
4 magistrate judge to set conditions of release. (ECF No. 37.) That same day, the magistrate judge
5 set a status conference regarding release conditions for 2 p.m. on November 4, 2022. (MJ ECF
6 No. 40). On November 4, 2022, at 1:19 p.m., just forty-one minutes before the scheduled status
7 conference, the Government filed the instant motion to stay the Court's order granting bond.
8 (ECF No. 38.) The Court issued a minute order denying the Government's motion, and the status
9 conference proceeded before the magistrate judge. (ECF No. 38; MJ ECF No. 41.)

10 **II. DISCUSSION**

11 The Government's motion to stay appears to raise three arguments: (1) the Government is
12 and has been prepared to proceed with the extradition hearing; (2) Mr. Martinez Santoyo was
13 properly detained pursuant to Article 11 of the Treaty because all Article 10 documents were
14 received; and (3) the Government will succeed on the merits of the extradition proceedings and
15 the pending motion to compel, noting the Government will seek to expedite all future
16 proceedings.³ (ECF No. 38.) None of these arguments justify a stay of the Court's order granting
17 Mr. Martinez Santoyo bail.

18 The Court found two special circumstances present that entitle Mr. Martinez Santoyo to
19 bail: (1) anticipated length and delay of extradition proceedings; and (2) lack of diplomatic
20 urgency. (ECF No. 37 at 8–13.) The Court further found that Mr. Martinez Santoyo was not a
21 risk of flight or a danger to the community. (*Id.* at 13–14.) The arguments advanced by the
22 Government neither address nor justify a modification of these findings.

23 As to the Government's first argument, the fact that the Government is and has been
24 prepared to proceed with the extradition hearing does not warrant a stay of the Court's order. The

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² The Court adopts by reference the factual and procedural background outlined in its
26 November 2, 2022, order granting Mr. Martinez Santoyo bond pending extradition proceedings.
27 (ECF No. 37.)

28 ³ The Court refers to the Extradition Treaty Signed at Mexico City May 4, 1978, Mex.-U.S.,
art. 11, May 4, 1978, 31 U.S.T. (entered into force Jan. 25, 1980) as the "Treaty."

1 Government's readiness to proceed with the extradition hearing does not change the Court's
2 findings that the anticipated length of the proceedings and the ongoing delay constitute a special
3 circumstance. Despite the Government's apparent preparedness, there has been significant and
4 ongoing delay in this case, and it does not appear the issue of extradition will be resolved soon.
5 Further, the fact that the Government can proceed with the extradition proceeding bears no
6 relation to the special circumstance of lack of diplomatic urgency.

7 The Government's second argument relates exclusively to the propriety of Mr. Martinez
8 Santoyo's detention under Article 11 of the Treaty. The Government argues because the Mexican
9 Government provided all required material pursuant to Article 10 of the Treaty within the 60-day
10 period outlined in Article 11, this Court should stay its release order. (ECF No. 38 at 1–2, ECF
11 No. 38-1.) This fact, however, has no effect on the Court's finding of special circumstances.
12 Indeed, the Court addressed this possibility in its order, stating "even assuming the extradition
13 packet received by the Government from the Government of Mexico contains all required
14 documents, the fact that such extradition packet has yet to be filed only highlights the delay in
15 this case." (ECF No. 37 at 10.) In other words, the Court's determination of special
16 circumstances was not premised upon compliance with Article 11. The fact that the Court could
17 not readily determine compliance with Article 11 was demonstrative of ongoing delay, but
18 compliance with Article 11 does not eliminate the delay or otherwise affect the Court's special
19 circumstance determinations. The delay and anticipated length of the extradition proceedings
20 exists regardless of whether Mr. Martinez Santoyo is properly detained pursuant to Article 11 of
21 the Treaty. Additionally, the fact that Mr. Martinez Santoyo was properly detained under Article
22 11 bears no effect on the Court's determination of lack of diplomatic urgency.

23 The Government's final argument relates to the merits of the extradition proceeding, the
24 pending motion to compel, and the Government's intent to expedite proceedings in this case.
25 This argument too is unavailing. The Court explicitly did not find success on the merits as a
26 special circumstance warranting bail (*Id.* at 11–12), and the merits of the pending motion to
27 compel have no effect on either special circumstance found by the Court. Though the Court
28 accepts the Government's position that it intends to expedite proceedings in this case, post hoc

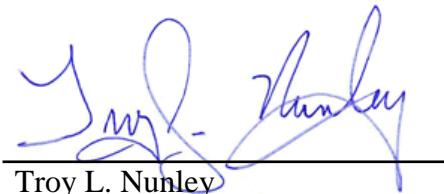
1 acceleration of the proceedings does not eliminate the delay that has occurred or the inevitable
2 delay that continues to occur due to discovery issues and challenges to extradition. The
3 Government's intent to expedite proceedings also has no effect on the Court's determination of
4 lack of diplomatic urgency.

5 **III. CONCLUSION**

6 For the foregoing reasons the Government's motion to stay the Court's November 2,
7 2022, order granting Mr. Martinez Santoyo bail is DENIED. (ECF No. 38.)

8 **IT IS SO ORDERED.**

9 **DATED: November 10, 2022**



Troy L. Nunley
United States District Judge

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